

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ELDORA PRINCE and NGCOBA ATKINS,

Plaintiffs,

-v-

6:16-CV-440
(DNH/ATB)

DEPARTMENT OF SOCIAL SERVICES OF
ONEIDA COUNTY; and LUCILLE SOLDADO,
Commissioner,

Defendants.

APPEARANCES:

ELDORA PRINCE
NGCOBA ATKINS
Plaintiffs pro se
636 James Street
Utica, NY 13501

DAVID N. HURD
United States District Judge

DECISION and ORDER

Pro se plaintiffs Eldora Prince and Ngcoba Atkins brought this action pursuant to 42 U.S.C. § 1983, the Americans with Disabilities Act, and the Rehabilitation Act. On August 31, 2016, the Honorable Andrew T. Baxter, United States Magistrate Judge, advised by Report-Recommendation that plaintiffs' due process claims as outlined be dismissed without prejudice to filing a new proposed amended complaint within forty-five (45) days of the date of this Decision and Order, and that the remainder of the original and the amended complaint be dismissed with prejudice. Magistrate Judge Baxter further recommended that should plaintiffs file a new amended complaint within the referenced time frame, that the file be

returned to him for further review. No objections to the Report-Recommendation have been filed. However, plaintiffs filed an amended complaint the same day the Report-Recommendation was entered.


Based upon a careful review of the entire file and the recommendations of the Magistrate Judge, the Report-Recommendation is accepted in whole. See 28 U.S.C. § 636(b)(1).

Therefore, it is

ORDERED that

1. The remainder of the original and the amended complaint, except for the due process claims, be DISMISSED with prejudice; and
2. The new amended complaint is referred back to Magistrate Judge Baxter for his review.

IT IS SO ORDERED.


United States District Judge

Dated: September 15, 2017
Utica, New York.